IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1630 of 2005

Between:

S. Jayasimha, S/o. Venkataramana,
APSRTC, Presently working at Kadiri Depot, Anantapur District.

..... PETITIONER

AND

The Depot Manager, APSRTC, Kadiri,Anantapur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the proceedings No.P1/1(21)/94: KDR, dt. 25.4.1995 of the respondent as illegal, arbitrary, in violation of principles of natural justice and in violation of Article 14 and 21 of the Constitution of India and consequently direct the respondent to add one increment to the pay of the Petitioner.

Counsel for the Petitioner:MR.A.RAMA RAO

Counsel for the Respondent: MR.P.VINAYAKA SWAMY (Standing Counsel for the APSRTC).

The Court at the stage of admission made the following :

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ORDER:

Heard both the learned counsel.

The petitioner questions the order dated 25-04-1995 imposing punishment of postponement of annual increment for a period of one year, which shall have the effect of postponing the future increments. The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting an enquiry.

This court in S.K.MASTAN v. MANAGING DIRECTOR, APSRTC held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one increment without cumulative effect instead of initiating disciplinary proceedings once again, for which the respondent has no objection.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of one year, which shall not have the effect of postponing the future increments. No costs.

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K.C.BHANU, J.

Dated 04-02-2005

SKMR

To

1) The Depot Manager, APSRTC, Kadiri,Anantapur District.

2) 2 CD copies